

Lieutenant Governor Loren Leman

October 21, 2005
CORRECTED VERSION

Mr. Paul Fuhs
329 E 10th Ave
Anchorage, AK 99501

Dear Mr. Fuhs,

On August 18, 2005, I received your revised application for initiative petition entitled:

"An Act amending the certificate of need requirements to apply only to health care facilities and nursing homes located in a borough with a population of not more than 25,000, in the unorganized borough, or in a community with a critical access hospital."

I forwarded a copy of the application to the Department of Law for review and to the Division of Elections for verification of at least 100 qualified signatures on August 18, 2005.

The Division of Elections reviewed the sponsor signatures and determined that 101 of the 109 signatures submitted were those of qualified voters. The application does have a sufficient number of sponsors to qualify for circulation of a petition. Enclosed is a copy of the Petition Statistics Report listing the status of each sponsor in this petition application.

The Department of Law reviewed the petition application for compliance with AS 15.45.030 and AS 15.45.040 and has advised me that your application does not comply with the constitutional and statutory provisions governing the use of the initiative. I have enclosed a copy of the opinion issued by the Department. If you wish to revise your application you may want to note the points raised by the Department.

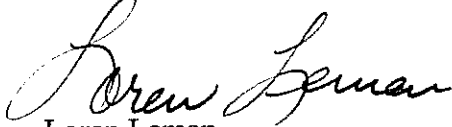
Based on this recommendation, and in accordance with AS 15.45.070, I am denying certification of your initiative petition. AS 15.45.240 provides that "any person aggrieved by a determination made by the lieutenant governor under AS 15.45.010 - AS 15.45.220 may bring

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an action in the superior court to have the determination reviewed within 30 days of the date on which notice of the determination was given."

Should you have any questions, please contact my special assistant, Lauren Yocom, at 465-4082.

Sincerely,

A handwritten signature in black ink, appearing to read "Loren Leman". The signature is fluid and cursive, with the first name "Loren" being more prominent than the last name "Leman".

Loren Leman
Lieutenant Governor

Enclosures

cc: The Honorable Victor Kohring, Alaska State Legislature, Initiative Committee Member
The Honorable Bob Lynn, Alaska State Legislature, Initiative Committee Member
Michael Barnhill, Assistant Attorney General, Department of Law
Laura Glaiser, Director, Division of Elections